

The opinion in support of the decision being
entered today is not binding precedent of the Board.

Filed by: Merits Panel
Interference trial Section
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Paper No. **27**

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

JAN UDDENFELDT

Junior Party,
(Patent 5,805,633)¹

v.

JOSEPH B. SAINTON, CHARLES M. LEEDOM, Jr.,
and ERIC J. ROBINSON

Senior Party
(Application 09/392,676)²

Patent Interference No. 105,076

Before LEE, SCHAFER, MEDLEY, Administrative Patent Judges.

LEE, Administrative Patent Judge.

Judgment

¹ Based on application 08/524,346, filed September 6, 1995. The real party in interest is Telefonaktiebolaget L M Ericsson.

² Filed September 8, 1999. Accorded the benefit of application 08/709,112, filed September 6, 1996, now Patent 5,761,621; and application 08/167,002, filed December 15, 1993. The real party in interest is MLR, LLC.

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On June 24, 2003, junior party Uddenfeldt filed a paper requesting entry of adverse judgment against itself with respect to the subject matter of the sole count in this interference.

The request is **granted**.

It is

ORDERED that judgment as the subject matter of Count 1 is herein entered against junior party JAN UDDENFELDT;

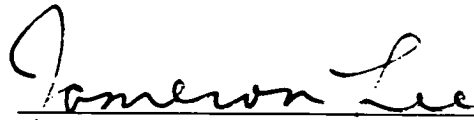
FURTHER ORDERED that junior party JAN UDDENFELDT is not entitled to its application claims 1, 3, 5-9, 12-24, 26-29, and 31-35, which correspond to Count 1;

FURTHER ORDERED that if there is a settlement agreement, the parties should note the requirements of 35 U.S.C. § 135(c) and 37 CFR § 1.666;

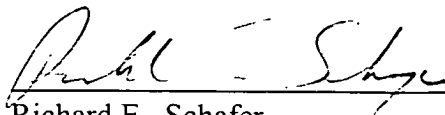
FURTHER ORDERED that a copy of this judgment be filed in the respective involved application or patent of the parties; and

FURTHER ORDERED that upon return of senior party Sainton's involved application to the primary examiner, the senior party shall expressly bring to the examiner's attention that although the amendment submitted by party Sainton on April 2, 2003, to its claims 33-36, 38, 39 and 41 was authorized by the administrative patent judge to whom this interference was assigned, the authorization goes to the filing of the amendment only and reflects no view whatsoever as to the patentability of any amended claim under any section of the patent statute.

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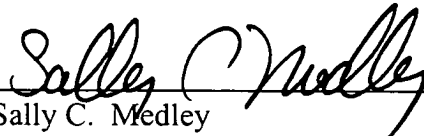


Jameson Lee)
Administrative Patent Judge)



Richard E. Schafer)
Administrative Patent Judge)

BOARD OF PATENT
APPEALS
AND
INTERFERENCES



Sally C. Medley)
Administrative Patent Judge)

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